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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/052,344

01/23/2002

James A. Green SR.

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4908

23117

7590

05/20/2004

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EXAMINER

VUONG, QUOCHIE B

ART UNIT

PAPER NUMBER

2685

9

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/052,344

Applicant(s)

GREEN ET AL.

Examiner

Quochien B Vuong

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2,4,7,8.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDSs) submitted on 01/23/02, 05/30/03, 11/19/03 and 08/18/03 are in compliance with the provisions of 37 CFR 1.97.

Accordingly, the information disclosure statements are being considered by the examiner.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 7, 10-24, and 27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 5 of U.S. Patent No. 5,805,975. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

As to claims 7, 10, 13-22, and 27, claim 1 of U.S. Patent No. 5,805,975 encompasses all the limitations including a satellite broadcast signal distribution method and system that distributes received satellite broadcast signals to remote receiver equipment via a distribution cable, said satellite broadcast signal distribution system comprising a satellite signal receiving antenna that receives at least first and second distinct blocks of broadcast program signals from at least one satellite, said first block comprising a first plurality of broadcast program signals, said second block comprising a second plurality of broadcast program signals; at least one block converter coupled to the satellite signal receiving antenna, said block converter block-frequency-converting, at least the first block comprising the first plurality of broadcast program signals to a different frequency band; and a coupler, coupled to the block converter, that applies both blocks onto said distribution cable for simultaneous distribution to the remote receiver equipment, wherein the distribution cable comprises a single coaxial or fiber cable, the system permits the block to travel via existing wiring, the block converter converts the satellite broadcast signals to frequencies which present day amplifiers can transport, and the first block comprises vertically polarized signals and the second block comprises horizontally polarized signals, or the first block comprises left-hand circular polarization signals and the second block comprises right-hand circular polarization signals; the block converter is a low noise block converter comprising a down converter and an up converter.

As to claims 11-12, claim 1 of U.S. Patent No. 5,805,975 discloses the block converter if not inherently would be obviously converts the first and second blocks to

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frequency bands outside of the range of 950-1450 MHz to reduce or avoid signal interference since 950-1450 MHz is the range of satellite signal.

As to claims 23-24, claim 5 of U.S. Patent No. 5,805,975 encompasses all the limitations including a switch (or selector) at said receiver equipment, said switch (selector) switching (selecting) between said first and second blocks.

4. Claims 7-27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 7, 8, 16, 19, and 20 of U.S. Patent No. 6,122,482. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Regarding claims 7, 8, 14, 18-24, 26, and 27 claim 1 of U.S. Patent No. 6,122,482 encompasses all the limitations including a satellite broadcast signal distribution method and system that distributes received satellite broadcast signals to remote receiver equipment via a distribution cable, said satellite broadcast signal distribution system comprising a satellite signal receiving antenna that receives at least first and second distinct blocks of broadcast program signals from at least one satellite, said first block comprising a first plurality of broadcast program signals, said second block comprising a second plurality of broadcast program signals; at least one block converter coupled to the satellite signal receiving antenna, said block converter block-frequency-converting, at least the first block comprising the first plurality of broadcast program signals to a different frequency band; and a coupler, coupled to the block converter, that applies both blocks onto said distribution cable for simultaneous

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distribution to the remote receiver equipment, wherein the block converter converts the satellite broadcast signals to frequencies which present day amplifiers can transport.

As to claims 9, 16 and 17, claim 7 of U.S. Patent No. 6,122,482 discloses the first block comprises a first polarized signals and the second block comprises a second polarized signals, therefore, it is obvious for first block to comprise vertically polarized signals and the second block to comprise horizontally polarized signals, or the first block comprises left-hand circular polarization signals and the second block comprises right-hand circular polarization signals as a system design preference since the vertically, horizontally, left-hand circular, or right-hand circular polarization signals are well known for use in communications system.

As to claims 10 and 13, claim 2 of U.S. Patent No. 6,122,482 encompasses all the limitations including wherein said distribution cable comprises a single coaxial or fiber cable and the system permits the blocks to travel via existing wiring.

As to claims 11-12, claim 1 of U.S. Patent No. 6,122,482 discloses the block converter if not inherently would be obviously converts the first and second blocks to frequency bands outside of the range of 950-1450 MHz to reduce or avoid signal interference since 950-1450 MHz is the range of satellite signal.

As to claim 15, claim 3 of U.S. Patent No. 6,122,482 encompasses all the limitations including re-converting the signals to their original frequencies.

As to claim 18, claim 16 of U.S. Patent No. 6,122,482 encompasses all the limitations including passing said received signals through a low noise block converter.

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As to claims 19-21, claims 19-20 of U.S. Patent No. 6,122,482 encompass all the limitations including the block converter comprising a down converter and an up converter.

As to claim 25, claim 8 of U.S. Patent No. 6,122,482 encompasses all the limitations including the block converter frequency-converts said first block to a first frequency band and frequency-converts said second block to a second frequency band different from and non-overlapping with said first frequency band.

5. Claims 7-14, 16, 17, 19-25, and 27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3-5 and 7-9 of U.S. Patent No. 6,334,045. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Regarding claims 7, 8, 10, 13, 14, 22-25, and 27, claim 3 of U.S. Patent No. 6,334,045 encompasses all the limitation including a satellite broadcast signal distribution method and system that distributes received satellite broadcast signals to remote receiver equipment via a distribution cable, said satellite broadcast signal distribution system comprising a satellite signal receiving antenna that receives at least first and second distinct blocks of broadcast program signals from at least one satellite, said first block comprising a first plurality of broadcast program signals, said second block comprising a second plurality of broadcast program signals; at least one block converter coupled to the satellite signal receiving antenna, said block converter block-frequency-converting, at least the first block comprising the first plurality of

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broadcast program signals to a different frequency band; and a coupler, coupled to the block converter, that applies both blocks onto said distribution cable for simultaneous distribution to the remote receiver equipment, wherein the distribution cable comprises a single coaxial or fiber cable, the system permits the block to travel via existing wiring, the block converter converts the satellite broadcast signals to frequencies which present day amplifiers can transport.

As to claims 9, 16 and 17, claim 3 of U.S. Patent No. 6,334,045 discloses the first block comprises a first polarized signals and the second block comprises a second polarized signals, therefore, it is obvious for first block to comprise vertically polarized signals and the second block to comprise horizontally polarized signals, or the first block comprises left-hand circular polarization signals and the second block comprises right-hand circular polarization signals as a system design preference since the vertically, horizontally, left-hand circular, or right-hand circular polarization signals are well known for use in communications system.

As to claims 11-12, claim 3 of U.S. Patent No. 6,334,045 discloses the block converter if not inherently would be obviously converts the first and second blocks to frequency bands outside of the range of 950-1450 MHz to reduce or avoid signal interference since 950-1450 MHz is the range of satellite signal.

As to claims 19-21, claims 7-9 of U.S. Patent No. 6,334,045 encompass all the limitations including the block converter comprising a down converter and an up converter.

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6. Claims 7-14, 16, 17, 19-25, and 27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2-6 of U.S. Patent No. 6,397,038. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Regarding claims 7, 8, 10, 13, 14, 22-25, and 27, claim 2 of U.S. Patent No. 6,397,038 encompasses all the limitation including a satellite broadcast signal distribution method and system that distributes received satellite broadcast signals to remote receiver equipment via a distribution cable, said satellite broadcast signal distribution system comprising a satellite signal receiving antenna that receives at least first and second distinct blocks of broadcast program signals from at least one satellite, said first block comprising a first plurality of broadcast program signals, said second block comprising a second plurality of broadcast program signals; at least one block converter coupled to the satellite signal receiving antenna, said block converter block-frequency-converting, at least the first block comprising the first plurality of broadcast program signals to a different frequency band; and a coupler, coupled to the block converter, that applies both blocks onto said distribution cable for simultaneous distribution to the remote receiver equipment, wherein the distribution cable comprises a single coaxial or fiber cable, the system permits the block to travel via existing wiring, the block converter converts the satellite broadcast signals to frequencies which present day amplifiers can transport.

As to claims 9, 16 and 17, claim 6 of U.S. Patent No. 6,397,038 discloses the first polarization is different from the second polarization, therefore, it is obvious for first

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block to comprise vertically polarized signals and the second block to comprise horizontally polarized signals, or the first block comprises left-hand circular polarization signals and the second block comprises right-hand circular polarization signals as a system design preference since the vertically, horizontally, left-hand circular, or right-hand circular polarization signals are well known for use in communications system.

As to claims 11-12, claim 2 of U.S. Patent No. 6,397,038 discloses the block converter if not inherently would be obviously converts the first and second blocks to frequency bands outside of the range of 950-1450 MHz to reduce or avoid signal interference since 950-1450 MHz is the range of satellite signal.

As to claims 19-21, claims 3-4 of U.S. Patent No. 6,334,045 encompass all the limitations including the block converter comprising a down converter and an up converter.

7. Claims 7, 10, 13, 14, 16, 19-21, 23, 24, and 27 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6, 8 of copending Application No. 10/016,119. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Regarding claims 7, 10, 13, 14, 16, and 27, claim 1 of copending Application No. 10/016,119 encompasses all the limitation including a satellite broadcast signal distribution method and system that distributes received satellite broadcast signals to remote receiver equipment via a distribution cable, said satellite broadcast signal

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distribution system comprising a satellite signal receiving antenna that receives at least first and second distinct blocks of broadcast program signals from at least one satellite, said first block comprising a first plurality of broadcast program signals, said second block comprising a second plurality of broadcast program signals; at least one block converter coupled to the satellite signal receiving antenna, said block converter block-frequency-converting, at least the first block comprising the first plurality of broadcast program signals to a different frequency band; and a coupler, coupled to the block converter, that applies both blocks onto said distribution cable for simultaneous distribution to the remote receiver equipment, wherein the distribution cable comprises a single coaxial or fiber cable, the system permits the block to travel via existing wiring, the block converter converts the satellite broadcast signals to frequencies which present day amplifiers can transport, and the first block comprises vertically polarized signals and the second block comprises horizontally polarized signals.

Regarding claims 19-21, claim 8 of copending Application No. 10/016,119 encompasses all the limitation including the block converter comprising a down converter and an up converter.

Regarding claims 23 and 24, claim 6 of copending Application No. 10/016,119 encompasses all the limitation including a switch (or selector) at said receiver equipment, said switch (selector) switching (selecting) between said first and second blocks.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 7, 10-16, and 19-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Uemura (JP 2-140022 English translation provided by the Applicant).

Regarding claims 7 and 27, Uemura discloses (figures 1-2) a satellite broadcast signal distribution method and system that distributes received satellite broadcast signals to remote receiver equipment via a distribution cable, said satellite broadcast signal distribution system comprising a satellite signal receiving antenna that receives at least first and second distinct blocks of broadcast program signals from at least one satellite, said first block comprising a first plurality of broadcast program signals, said second block comprising a second plurality of broadcast program signals; at least one block converter coupled to the satellite signal receiving antenna, said block converter block-frequency-converting, at least the first block comprising the first plurality of broadcast program signals to a different frequency band; and a coupler, coupled to the block converter, that applies both blocks onto said distribution cable for simultaneous distribution to the remote receiver equipment (see page 5, last paragraph – page 8, 1st paragraph).

Regarding claims 10, 13, and 14, Uemura discloses wherein the distribution cable comprises a single coaxial (wire 15) or fiber cable, the system permits the block to travel via existing wiring, the block converter converts the satellite broadcast signals to frequencies which present day amplifiers can transport (see page 3, last paragraph - page 8, 1st paragraph).

Regarding claims 11-12, Uemura discloses the block converter converts the first and second blocks to frequency band outside of the range 950-1450 MHz (page 6, lines 4-16).

Regarding claim 15, Uemura discloses re-converting the signals to their original frequencies (page 5, 1st paragraph).

Regarding claim 16, Uemura discloses the first block comprises vertically polarized signals and the second block comprises horizontally polarized signals (page 10, lines 1-5).

Regarding claims 19-21, Uemura discloses the block converter comprising a down converter and an up converter (see figures 1-2).

Regarding claim 22, Uemura discloses a further block converter at said receiver equipment, said further block converter block-frequency-converting at least one of said first and second blocks into a range the receiver equipment can receive (see page 5, 2nd paragraph).

Regarding claim 23, 24, and 26, Uemura discloses including a switch (selector) at said receiver equipment, said switch (selector) switching (selecting) between said first and second blocks; and a tuner that tunes to select a particular satellite broadcast

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signal within said first and second satellite broadcast signal blocks for reception (page 13, last paragraph – page 14).

Regarding claim 25, Uemura discloses the block converter frequency-converts said first block to a first frequency band and frequency-converts said second block to a second frequency band different from and non-overlapping with said first frequency band (page 3, last paragraph – page 4, 2nd paragraph).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uemura.

Regarding claim 17, Uemura discloses first block to comprise vertically polarized signals and the second block to comprise horizontally polarized signals (page 10, lines 1-5). Uemura does not disclose first block comprises left-hand circular polarization signals and the second block comprises right-hand circular polarization signals.

However, examiner takes Official notice that left-hand circular and right-hand circular polarization signals are well known for use in communications system. Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the first block comprises left-hand circular polarization signals and the second block comprises right-hand circular polarization signals as a system design preference to perform the same function as processing two different polarization signals.

As to claim 18, Uemura does not disclose the block converter is a low noise block converter. However, examiner takes Official notice that low noise block converter is well known in the art. Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the well known low noise block converter to the system of Uemura to reduce noise and provide a better quality signal.

Conclusion

13. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

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or faxed to:

(703) 872-9314

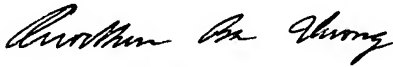
Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA 22202. Sixth Floor (Receptionist).

Any inquiry concerning this communication from the examiner should be directed to Quochien B. Vuong whose telephone number is (703) 306-4530. The examiner can normally be reached on Monday through Friday from 9:30 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377.



**QUOCHIE B. VUONG
PRIMARY EXAMINER**

Quochien B. Vuong

May 4, 2004.